

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 10, 2000

DIVISION TWO

B129261 County of Los Angeles (Not for Publication)
 v.
 Neptune Marina

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B136236 People (Not for Publication)
 v.
 Dan William Flores

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

B137400 People (Not for Publication)
 v.
 Michael P.

The order appealed from is affirmed.

Boren, P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION TWO (Continued)

B136019 Dunwell Computer of California, Inc. (Not for Publication)
v.
Tai Jue Ta Systems, Inc., et al.

The order denying appellants' request to vacate the dismissal is reversed. The court is directed to restore this case to its civil active list. Respondent's request for attorney fees and sanctions is denied. Parties to bear their own costs on appeal.

Boren, P.J.

We concur: Cooper, J.
Todd, J.

B131882 People (Not for Publication)
v.
Kuchon E. Jackson

The appeal is dismissed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION FOUR

B136661 People (Not for Publication)
v.
Edwards

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B098606 American Samoa Government (Not for Publication)
v.
Affiliated FM Insurance Company

The judgment for compensatory damages and order awarding attorney fees are affirmed. The orders admitting evidence of the financial condition of Allendale and denying the motion to amend the judgment are reversed. The matter is remanded for rehearing on the motion to amend the judgment. If that motion is granted, the punitive damage award shall be reinstated. If there is no finding of alter ego, the issue of punitive damages must be retried to a jury in accordance with this opinion. The parties shall bear their own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B139826 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Theola R.
Anthony J.

The order terminating parental rights is affirmed.

Wesiman, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B135864 People (Not for Publication)
v.
Olivio Sanchez

The judgment is modified to reflect presentence custody credit of 761 actual days and 114 days of conduct credit for a total of 875 days. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B135506 County of Los Angeles (Not for Publication)
v.
Frontier Pacific Insurance Company

The order denying the motion to set aside summary judgment is affirmed. Respondent to recover its costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B138221 People (Not for Publication)
v.
Gilbert Hernandez

The judgment is modified to reflect that the parole revocation fine under Penal Code section 1202.45 is \$500 rather than \$200. The judgment is affirmed in all other respects.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B139225 People (Not for Publication)
v.
Victory Mayorga

The judgment is modified to delete the two \$140 penalty assessments imposed in conjunction with the restitution fines under Penal Code sections 1202.4, subdivision (b) and 1202.45. The judgment is affirmed in all other respects.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B135290 People (Not for Publication)
v.
Richard Tran

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

B134757 Marriage of Vollowitz

Argument continued to November, 2000.

B134201 Barrette
 v.
 Miller

Merits:

Argued by Jack Hindmarsh for appellants and cross-respondents.

Argument previously waived by respondents and cross-appellants. Cause submitted.

B133713 Ahmanson Development, Inc.
 v.
 La Monte

Merits:

Argued by C. Richard Dodson for appellant Bowman and by Richard P. Sybert for respondents La Monte and successor trustee Lindsay Nielson.

Argument previously waived by respondent Ahmanson. Cause submitted.

B135866 San Luis Obispo County Deputy Sheriffs' Assoc.
 v.
 San Luis Obispo County Board of Supervisors

Merits:

Argued by Herb Fox for appellants and by R. Wyatt Cash, deputy county counsel, for respondent. Cause submitted.

DIVISION SIX (Continued)

B139810 Walker
v.
California Unemployment Appeals Board

Merits:
Argued by Richie Ray Walker, appellant, appearing in propria persona and by Carolyn D. Fuson, deputy attorney general, for respondent. Cause submitted.

Court recessed at 10:40 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B136894 March
v.
Humphrey & Giacomuzzi Veterinary Group, Inc.

Argument continued to November, 2000.

B132012 Lakewood Suzuki
v.
City of Hawaiian Gardens Redevelopment Agency

Merits:
Argued by Ronald M. Cole for appellants and by Stephen J. Beaton for respondent. Cause submitted.

Gilbert, P.J. leaves the bench.

B129556 Cabrera
v.
Home of Christian Los Angeles

Merits:
Argued by Joseph M. Barrett for appellants and by Michael A. Byrne for respondent. Cause submitted.

DIVISION SIX (Continued)

B128430 Fitzpatrick
 v.
 United Services Automobile Association

Merits:

Justice Perren disclosed the fact that he is insured by United Services Automobile Association. Argued by Frederick J. Mohun for appellant and by Michelle R. Press for respondent. Cause submitted.

B136414 Ervin
 v.
 Northrop Grumman Corporation

Merits:

Argued by Joseph Posner for appellant and by Charles F. Barker for respondent. The court requested that both sides submit letter briefs by October 31, 2000, on the following cases and statute: Barnett v. U.S. Air. (9th Cir. Oct. 4, 2000) ___ F.3d ___ [2000 Daily Journal DAR 10883], Guz v. Bechtel National, Inc. (Cal. Supreme Ct. Oct. 5, 2000) ___ Cal.4th ___ [2000 Daily Journal D.A.R. 10929], and AB 2222, approved by the Governor Sept. 30 2000 and chaptered by the Secretary of State as Chpt. 1049, Statutes of 2000. Submission deferred until October 31, 2000.

Court adjourned at 3:05 P.M.

B138393 St. Germain
 v.
 State of California et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B126589 People v. Brumbaugh
B134621 People v. Rodriguez
B135235 People v. Lopez
B135349 People v. Zambrano
B136626 People v. Baldwin
B137428 People v. Kane
B137437 People v. Gomez
B139002 People v. Mendoza
B140359 People v. Antonio Sanchez A.
B140774 People v. Alvarez
B138966 D.C.F.S. v. Chris W.
B142907 Princess C. v. S.C.L.A.
B132902 People v. Martinez
B131853 Ehumadu v. Miracle Home Health Agency
B139511 D.C.F.S. v. Urbano C.

Argument waived, cause submitted.

B137971 People
 v.
 De La Torre

Merits:

Argued by Andres Z. Bustamante for appellant and by Joseph P. Lee, deputy attorney general, for respondent. Cause submitted.

B133352 People
 v.
 Graham

Merits:

Argued by Richard M. Steingard for appellant and by Thien Huong Tran, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134124 People
 v.
 Lobos

On the Court's own motion, oral argument continued to November 2, 2000
at 9:00 A.M.

B137535 People
 v.
 Gonzalez & Gonzalez

Merits:
Argued by Richard Poland and Edward Daley for appellants and by Alene
M. Games, deputy attorney general, for respondent. Cause submitted.

B139424 People
 v.
 Thomason

Merits:
Argued by Richard L. Schwartzberg for appellant and by Noah P. Hill,
deputy attorney general, for respondent. Cause submitted.

B135531 People
 v.
 Martinez
 Bravo

Merits:
Argued by Chris R. Redburn for appellant and by Margaret E. Maxwell,
deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B131646 People
 v.
 Graves

Merits:

Argued by Jonathan P. Milberg for appellant and by Jim Hart, deputy attorney general, for respondent. Cause submitted.

B133462 People
 v.
 American Surety Insurance Company

Merits:

Argued by James M. Silvia for appellant and by Roberta Schwartz, deputy district attorney, for respondent. Cause submitted.

B129046 Loor
 v.
 City of Los Angeles

Merits:

Argued by Jose R. Paz for appellant and by Lisa S. Berger, deputy city attorney, for respondent. Cause submitted.

B133236 Ford
 v.
 Zale Corporation, Inc.

Merits:

Argued by Albert L. Sassoe, Jr. for appellant and by Suzanne Feffer for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B135783 Bonwit
 v.
 Chicago Title Company

Merits:
Argued by Barry S. Michaelson for appellant and no appearance by counsel
for respondent. Cause submitted.

B130076 Hodes
 v.
 Barikhan

Merits:
Argued by Richard Knickerbocker for appellant and by Douglas Waggaman
for respondent. Cause submitted.

Court recessed at 12:05 P.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B137281 Pattillo
 v.
 Technology Management Services

Merits:
Argued by Gregory W. Smith for appellant and by Jim P. Mahacek for
respondent. Cause submitted.

B142546 Kajima Engineering & Construction, Inc.
 v.
 Superior Court, Los Angeles County
 (City of Los Angeles et al., r.p.i.)

Oral argument continued to November 2, 2000 at 10 A.M.

DIVISION SEVEN (Continued)

B139089 Ryan et al.
v.
Life Care Plus, Inc. & Health View, Inc.

Merits:
Argued by Mark Allen Kleiman for appellants and by Michael J. Green for respondent. Cause submitted.

B137873 Torres
v.
L.A. County Metropolitan Transportation Authority

Merits:
Argued by Mark R. Haddon for appellant and by Ronald W. Stamm, deputy county counsel, for respondent. Cause submitted.

B129272 People v. Gutierrez
B143402 In Benito Gutierrez on Habeas Corpus

Merits:
Argued by Robert F. Howell for appellant and by Hye Y. Yang, deputy attorney general, for respondent. Cause submitted.

B126446 Kellum
v.
Board of Retirement

Oral argument continued to November 2, 2000 at 10:00 A.M.

B135793 Nguyen
v.
Employers Insurance of Wausau

Merits:
Argued by Edward E. Vargas for appellant and by Mark R. Israel for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134416 Sanchez et al.
 v.
 City of Torrance

Oral argument waived, cause submitted.

B129207 Einstein Systems, Inc.
 v.
 Einstein Engine Flush Systems, Inc. et al.

Appearances:
Maynard J. Kein for appellants and by Drew A. Cicconi and Leslie
Sherman for respondents. Argument waived, cause submitted.

B134354 Dade
 v.
 Union Oil Company of California

Merits:
Argued by Delia Flores for appellant and by David J. Ozeran for
respondent. Cause submitted.

B136476 James
 v.
 Board of Trustees of the California State University

Oral argument continued to November 2, 2000 at 9:00 A.M.

B139283 Petrykievicz
 v.
 Beverly Hill Porche

Oral argument continued to November 2, 2000 at 9:00 A.M.

DIVISION SEVEN (Continued)

B132490 Grey
 v.
 Amex Assurance Company

Appearances:
Bruce N. Graham for respondent and there being no appearance by
appellant, argument is waived and the cause submitted.

B122861 Latto
 v.
 American Golf Corporation

Oral argument continued to November 2, 2000 at 2:00 P.M.

B126144 Tallmadge
 v.
 Tallmadge

Oral argument continued to November 2, 2000 at 2:00 P.M.

B141093 D.C.F.S.
 v.
 Raynaldos S.

Oral argument continued to November 2, 2000 at 2:00 P.M.

B134848 Taylor
 v.
 Taylor

Merits:
Argued by Kevin Taylor appellant in propria persona and by Adrienne C.
Holloway for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B137598 Taylor
 v.
 Taylor

Merits:

Argued by Kevin Taylor appellant in propria persona and by Adrienne C. Holloway for respondent. Cause submitted.

Court adjourned at 4:07 P.M.

B135364 Avalon Sunset
 v.
 Lurie & Zepeda et al

Petition for rehearing denied by operation of law.